

Patent
Attorney's Docket No. 032326-050

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of)
David Naccache et al.) Group Art Unit: 2131
Application No.: 10/817,453) Examiner:
Filed: April 5, 2004) Confirmation No.: 1613
For: A CRYPTOGRAPHIC SYSTEM)
COMPRISING AN ENCRYPTION)
AND DECRYPTION SYSTEM AND)
KEY ESCROW SYSTEM, AND THE)
ASSOCIATED EQUIPMENT AND)
DEVICES)

PETITION UNDER 37 CFR §1.47(a)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants hereby petition for acceptance of this application on the grounds that one of the joint inventors refuses to sign the Declaration. This petition is accompanied by the Declaration of Phillippe Brun, setting forth the pertinent facts in the effort to obtain a signature from the non-signing inventor. A Declaration signed by the other two inventors has already been filed.

The non-signing inventor is Francoise Levy-dit-Vehel. The last known address for Mrs. Levy-dit-Vehel was:

92, rue Lourmel
F-75015 Paris, France

As set forth in the accompanying Declaration of Phillippe Brun, a diligent effort was made to obtain a signed Declaration from the non-signing inventor, but she has explicitly refused to sign. As of the time of filing this response, the original Declaration and the exhibits referenced in the Declaration have not been received for submission. As soon as they are received, they will be submitted.

Acceptance of the application with the non-signing inventor is respectfully requested. The Examiner is authorized to charge the requisite fee under 37 CFR §1.17(h) to the undersigned's Deposit Account No. 02-4800.

Respectfully submitted,
BURNS, DOANE, SWECKER & MATHIS, L.L.P.

Date: January 24, 2005

By: 
James A. LaBarre
Registration No. 28,632

P.O. Box 1404
Alexandria, Virginia 22313-1404
(703) 836-6620



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**DECLARATION OF PHILIPPE BRUN
IN SUPPORT OF PETITION UNDER 37 C.F.R. §1.47(a)**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

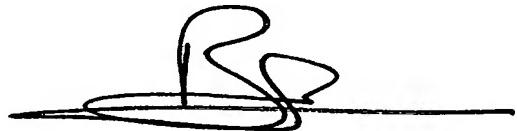
Sir:

I, the undersigned Philippe Brun, hereby declare that:

1. I am a Patent Engineer in the Intellectual Property Department of Gemplus, the assignee of U.S. Patent application No. 09/377,666 filed August 19, 1999.
2. Prior to filing, the application papers including a Declaration and Assignment were mailed from the Gemplus Intellectual Property Department to Mrs. Francoise Levy-dit-Vehel for signature. The first mailing was sent on May 21, 1999, return receipt requested. A copy of the letter is attached as Exhibit A. The letter and enclosures were returned to Gemplus without any signatures on the documents. We re-sent the letter and application papers to Mrs. Levy-dit-Vehel two more times, on July 2, 1999 and July 19, 1999, and each time they were returned without signature. Copies of the delivery receipts for the letters are attached as Exhibit B.
3. In the beginning of June 1999, Mrs. Levy-dit-Vehel called one of the assistants in the Gemplus Intellectual Property Department at that time, Natalie Herail, and informed her that she was refusing to sign any documents for Gemplus because she had left Gemplus on bad terms.
4. On July 13, 1999, we attempted to contact Mrs. Levy-dit-Vehel via telephone. However, her phone number was no longer in service. Since that time, we have had no contact with Mrs. Levy-dit-Vehel.

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I hereby declare that all statements made herein of my own knowledge are true and all statements made on information and belief are believed to be true. Further, these statements are being made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that any such willful false statements or the like may jeopardize the validity of the above-identified patent application and any patent issuing thereon.



Philippe Brun
Patent Portfolio Group Manager

Date: Jan. 24th, 2005